



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,652	11/21/2001	Michael L. Bessire	10013342-1	1407
7590	09/29/2005		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			PUENTE, EMERSON C	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/989,652

Applicant(s)

BESSIRE, MICHAEL L.

Examiner

Emerson C. Puente

Art Unit

2113

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. Applicant's reply has overcome the following rejection(s): Claims 20 and 23-28.
 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 20 and 23-28.

Claim(s) objected to: _____.

Claim(s) rejected: 29,32-35,38-44 and 46-48.

Claim(s) withdrawn from consideration: 1-19,21,22,30,31,36,37 and 45.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: all the arguments are not persuasive .
 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. Other: See Continuation Sheet.

Continuation of 13. Other: Applicant's argument wherein prior art fails to teach a first iSCSI controller acknowledge to a host that the SCSI I/O request has been committed is found to be persuasive. Examiner has withdraw his rejection regarding claims 20 and 23-28.

However, applicant's argument regarding prior art fails to disclose receiving or storing SCSI I/O request at a first and second TCP/IP network address is found not to be persuasive. Davis discloses the SCM's provide SCSI communications (see column 3 lines 10-15), indicating a SCSI controllers. Furthermore, the SCM or SCSI controller communicating with clients via TCP/IP (see column 3 lines 50-55), indicating receiving or storing SCSI I/O request at a first and second TCP/IP network address.

DETAILED ACTION

Claims 20, 23-29, 32-35, 38-44, and 46-48 have been examined. Claims 1-19, 21, 22, 30, 31, 36, 37, and 45 has been cancelled.

Claim Rejections - 35 USC § 103

Claims 29, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,701,449 of Davis et al. referred hereinafter “Davis” in view of US Patent No. 6,732,289 of Talagala et al. referred hereinafter “Talagala”, and in further view of US Patent No. 5,588,110 of DeKoning et al. referred hereinafter “DeKoning” and US Patent No. 5,987,621 of Duso et al. referred hereinafter “Duso”.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Talagala.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Talagala, and in further view of Duso.

Claims 35 and 38-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Talagala and DeKoning.

Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of US Patent No. 5,768,623 of Judd et al. referred hereinafter “Judd”.

Robert W. Beausoliel Jr.
ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100